

# EXHIBIT A

Justice & Diversity  
CENTER

OF THE BAR ASSOCIATION OF SAN FRANCISCO



Immigrants' Rights Clinic

Crown Quadrangle  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
Tel 650 724-1900  
Fax 650 723-4426

November 30, 2018

*Via U.S. Certified Mail*  
Federal Bureau of Prisons  
FOIA/PA Section  
Office of General Counsel, Room 924  
320 First Street NW  
Washington, D.C. 20534

**RE: FOIA Request for Records Related to Institutional Hearing Program**

Dear FOIA Officer:

This letter is a request pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, by the Stanford Law School Immigrants' Rights Clinic on behalf of The Justice & Diversity Center of The Bar Association of San Francisco and Centro Legal de la Raza. We seek records from the Federal Bureau of Prisons ("BOP") pertaining to policies and practices about the Institutional Hearing Program ("IHP"), including but not limited to information about the program's administration, policies, and the treatment of people placed in IHP.<sup>1</sup>

There is a compelling and urgent need to inform the public about BOP policies and practices that pertain to the operation of IHP. Since coming into office, the Trump Administration has targeted IHP for modernization and expansion. On January 25, 2017, President Trump issued Executive Order 13767 entitled "Border Security and Immigration Enforcement Improvements," that prioritized the removal of noncitizens with criminal convictions.<sup>2</sup> To implement the Executive Order, then-Secretary of the Department of Homeland Security, John Kelly, issued a memorandum instructing U.S. Immigration and Customs Enforcement ("ICE") to initiate removal proceedings against incarcerated noncitizens through the IHP "to the maximum extent possible."<sup>3</sup> On March 30, 2017, then-

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<sup>1</sup> The term "people placed in IHP" is used interchangeably for the purpose of this request with other terms that may apply to incarcerated noncitizens who are placed in removal proceedings through the IHP, including but not limited to "prisoners," "inmates," "respondents," "aliens," and "noncitizens."

<sup>2</sup> Exec. Order No. 13767, Border Security and Immigration Enforcement Improvements (Jan. 25, 2017), <https://www.whitehouse.gov/presidential-actions/executive-order-border-security-immigration-enforcement-improvements/>.

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Attorney General Jeff Sessions announced an IHP revitalization plan intended to “speed the process of deporting incarcerated criminal aliens.”<sup>4</sup> Despite the Trump Administration’s efforts to expand the IHP, immigration attorneys and the public know little about the implementation of IHP and its impact on removable noncitizens currently detained in federal correctional institutions. BOP plays a central role in the operation of IHP because its facilities serve as both “hearing sites”<sup>5</sup> and “release sites”<sup>6</sup> for the program. Accordingly, this FOIA request seeks information from BOP relating to its role in implementing IHP.

### **RECORDS REQUESTED**

We request the following records<sup>7</sup> prepared, received, transmitted, collected and/or maintained by BOP and/or private contract facilities housing federal or state prisoners<sup>8</sup>:

1. All records describing or including any guidance or training provided to BOP concerning the operation of IHP hearing sites.
2. Any records that describe which BOP facilities are generally considered IHP release sites.

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<sup>3</sup> Memorandum from John Kelly, Sec'y, U.S. Dep't of Homeland Sec. on Enforcement of Immigration Laws to Serve the National Interest (Feb. 20, 2017), [https://www.dhs.gov/sites/default/files/publications/17\\_0220\\_S1\\_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf](https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf).

<sup>4</sup> Press Release, Off. of Pub. Aff., U.S. Dep't of Just., Attorney General Sessions Announces Expansion and Modernization of Program to Deport Criminal Aliens Housed in Federal Correctional Facilities (Mar. 30, 2017), <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-expansion-and-modernization-program-deport-criminal>.

<sup>5</sup> The term IHP “hearing site” refers to facilities where noncitizens are issued a Notice to Appear (NTA) and placed into removal proceedings and are appearing before the Immigration Court while still serving their prison sentence.

<sup>6</sup> The term IHP “release site” refers to facilities designated for noncitizens who have been ordered deported and who are awaiting removal, ordinarily after the completion of their criminal sentences.

<sup>7</sup> The term “records” as used in this request includes all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

<sup>8</sup> The use of “BOP” and “BOP facilities” refers to all BOP-controlled correctional facilities, including all subcontracted private facilities and any facilities that hold and/or house BOP inmates/prisoners/detainees.

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3. Any records describing the obligations of BOP administrators to provide information about the IHP to prisoners.
4. Any records describing or including policies, procedures, memoranda, or guidance concerning when and how prisoners are notified that they are being placed in IHP, including what information they are provided about the program, and whether they are advised of their rights in the program.
5. Any records describing what rights, privileges, and protections are afforded to noncitizens placed in IHP.
6. Any records describing any federal or state conditions, detention, or imprisonment standards that apply to noncitizens by virtue of their being placed in removal proceedings through the IHP, including but not limited to ICE detention standards, BOP correctional standards, American Correctional Association Standards, National Commission on Correctional Health Care (“NCCHC”) Standards, and Title 15 & Title 24 Minimum Standards for detention facilities.
7. All records showing any current contractual agreement, Intergovernmental Service Agreement (“IGSA”), Interagency Agreement (“IAA”), memoranda of understanding, or other agreement entered into between DHS and BOP that governs the implementation, expansion, or operation of the IHP at any BOP facility located outside of California.
8. All records showing any current contractual agreement, IGSA, IAA, memoranda of understanding, or other agreement entered into between DHS and BOP that governs the implementation, expansion, or operation of the IHP at any BOP facility located within California, including FCI Dublin, Taft CI, USP Victorville, FCI Victorville I, and FCI Victorville II.
9. All records describing policies, procedures, communications, guidance, memoranda of understanding, IGSAs, and/or IAAs regarding any contractual obligations entered into between DHS and BOP that pertain to any budget and reimbursement agreements related to the operation of IHP hearing sites located within California, including FCI Dublin, Taft CI, USP Victorville, FCI Victorville I, and FCI Victorville II.
10. Any records concerning the designation of BOP facilities located in California as IHP hearing sites or locations, including any facilities that are expected to begin serving as IHP “hearing sites” in the future.
11. All records showing any audits, inspections, or reviews conducted of the IHP at individual BOP facilities located in California.

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12. All records including policies, procedures, memoranda, or communications concerning whether ICE officials maintain a regular physical presence within IHP hearing site locations located in California, such as designated offices within each BOP facility or specific times when ICE agents visit facilities.
13. Any records describing or including policies, procedures, guidance, or communications pertaining to or governing the ability of attorneys to meet and talk with clients at IHP hearing sites located in California, including attorneys' access to confidential visitation spaces within each BOP facility, and respondents' access to private, unmonitored legal telephone calls.

#### THE REQUESTOR

The Justice & Diversity Center of The Bar Association of San Francisco (“JDC”) is one of the largest and most distinguished legal services providers in San Francisco. JDC’s primary purpose is the delivery of free legal services to low-income San Franciscans, as well as the non-profits that serve them. JDC delivers free legal services through its Legal Services Programs division, which consists of the Pro Bono Legal Services Program, Homeless Advocacy Project, and the Immigration Program. JDC helps to coordinate and organize and increase the capacity to provide legal services to underserved populations.

Centro Legal de la Raza (“Centro”) is a nonprofit that provides free legal services to low-income individuals and families in the East Bay and throughout Northern and Central California. For five decades, Centro has protected and advanced the rights of low-income communities, including Spanish-speaking immigrants, workers, and tenants. Founded in 1969 and headquartered in Oakland, Centro combines quality legal services with know-your-rights education and youth education and development. Centro ensures access to justice for thousands of individuals and families each year. As California’s largest provider of legal services for immigrants facing deportation, Centro Immigration Program assists thousands of immigrants annually. Centro’s removal defense practice specializes in cases that are urgent and often involve novel legal issues. Centro represents unaccompanied minors and families fleeing violence and immigrants with long term community ties, including those in immigration detention.

Both organizations regularly represent IHP respondents through the Attorney of the Day (“AOD”) program before the San Francisco Immigration Court, where experienced immigration attorneys appear in immigration court to assist unrepresented respondents in their initial removal hearings. The requestors seek information about IHP because the AODs provide IHP respondents with individual consultations, initial legal advice, and referrals within BOP facilities, as well as provide long term and full scope representation of IHP respondents before the Executive Office of Immigration Review.

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**FEE WAIVER**

The requestor also seeks a full fee waiver on the grounds that disclosure of the requested records is in the public interest and is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor.” 5 U.S.C. § 552(a)(4)(A)(iii). As set forth above, this request aims at furthering public understanding of government conduct: specifically, BOP policies and practices as they relate to the implementation of IHP. Because the requested records will contribute significantly to public understanding of the immigrant detention and removal system, we request a waiver of fees under 5 U.S.C. § 552(a)(4)(A)(iii).

If this request is denied in whole or in part, the requestors ask that the government justify all redactions by reference to specific FOIA exemptions. We expect the government to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny expedited processing or a waiver of fees.

**EXPEDITED PROCESSING**

Requestors ask for Track 1 expedited treatment for this FOIA request. This request qualifies for expedited treatment pursuant to 5 U.S.C. § 552(a)(6)(E) and applicable regulations. There is a “compelling need” for expedited processing of this request, *see* 5 U.S.C. § 552(a)(6)(E)(i)(I), namely, an “urgency to inform the public concerning the actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II); *see also* 6 C.F.R. § 5.5(d)(1)(ii) (same). The records requested concern potential changes to BOP’s increased involvement and role as it relates to ICE’s expansion of the IHP program, which affects thousands of noncitizens.

Please send responsive records to:

Lisa Weissman-Ward  
Stanford Law School Immigrants’ Rights Clinic  
559 Nathan Abbott Way  
Stanford, CA 94305

Thank you for your attention. Please contact me with any questions or concerns at [lweissmanward@law.stanford.edu](mailto:lweissmanward@law.stanford.edu) or 650-724-7396.

Sincerely,



Lisa Weissman-Ward

# EXHIBIT B



**U.S. Department of Justice  
Federal Bureau of Prisons**

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Central Office  
320 First St., NW  
Washington, DC 20534

December 6, 2018

Lisa Weissman-Ward  
Stanford Law School Immigrants Rights Clinic  
559 Nathan Abbott Way  
Stanford, CA 94305

Dear Ms. Weissman-Ward:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request in which you request expedited processing of your request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you more easily keep track of your request.

FOIA/PA Request Number: 2019-01182  
Processing Office: CO

The Department of Justice requires all requests for records be processed on a first-in, first-out basis. The four exceptions to this requirement are: "(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information; (iii) The loss of substantial due process rights; or (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 28 C.F.R. § 16.5(e). The Federal Bureau of Prisons makes the determination regarding the first three exceptions, and the Department of Justice's Director of Public Affairs makes the determination when the fourth category is relied upon as the basis for requesting expedited treatment.

You requested expedited processing because the records requested concern potential changes to the BOP's increased involvement and role as it relates to ICE's expansion of the IHP program, which affects thousands of noncitizens.

You provided insufficient information to support your claim regarding an urgency to inform the public. This Office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally.

You provided insufficient information to support your claim you are primarily engaged in disseminating information that would warrant placing your request before all other requests.

Therefore, your request will be processed in the order in which it was received.

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first-in, first-out basis in relation to other requests in the same track. Your request was assigned to the complex track and placed in chronological order based on the date of receipt.

We determined unusual circumstances exist as the documents responsive to your request must be searched for and collected from a field office, and/or the documents responsive to your request are expected to be voluminous and will require significant time to review. Because of these unusual circumstances, we are extending the time limit to respond to your request for the ten additional days provided by the statute. Processing complex requests may take up to nine months. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have questions regarding the status of your request or anything discussed in this letter, including reformulating or narrowing your request, you may contact the CO at 202-616-7750 or the BOP FOIA Public Liaison, Mr. C. Darnell Stroble at (202) 616-7750, 320 First Street NW, Suite 936, Washington DC 20534, or [ogc\\_efoia@bop.gov](mailto:ogc_efoia@bop.gov). You can also check the status of your request on line at <http://www.bop.gov/PublicInfo/execute/foia>.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information, Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC

20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account at: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

12/6/2018

 X S. Lilly

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S. Lilly, GIS, for  
Ronald Rodgers, Senior Counsel  
Signed by: SARAH LILLY

# EXHIBIT C



**U.S. Department of Justice  
Federal Bureau of Prisons**

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Central Office  
320 First St., NW  
Washington, DC 20534

August 27, 2019

Lisa Weissman-Ward  
Stanford Law School Immigrants' Rights Clinic  
559 Nathan Abbott Way  
Stanford, CA 94305

Request Number: 2019-01182

Dear Ms. Weissman-Ward:

This is in response to the above referenced Freedom of Information Act (FOIA) request. Your request contains thirteen (13) different items. A copy of your request is attached for reference. Additionally, in reference to Item 11 of your request you verified the time frame for this item was January 1, 2015 to the date of the search.

In response to your request, staff located 14 pages of responsive records, which were forwarded to this office for a release determination. After careful review, we determined 10 pages are appropriate for release in full and 4 pages are appropriate for release in part. We are also releasing a spreadsheet of responsive records, which contains 42.7 KB of data and is being released in full. Copies of releasable records are attached. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, records were redacted under the following exemptions: (b)(6); (b)(7)(C); and (b)(7)(E). An explanation of FOIA exemptions is attached.

Program Statements (P.S.) 5111.04, CN-1 Institution Hearing Program and P.S. 5267.09 Visiting Regulations are both located on [www.bop.gov](http://www.bop.gov). The Freedom of Information Act allows you to request any records not already required to be made available pursuant to 5 U.S.C. § 552(a)(1) or (a)(2). The records you request are already available to the public pursuant to the statute. BOP is not required to release the type of record you seek. See 5 U.S.C. § 552(a)(3). There are no agency records showing any audits, inspections, or reviews conducted of the IHP.

Additionally, you may wish to contact Immigration and Customs Enforcement (ICE) and Executive Office of Immigration Review (EOIR) directly for records.

If you have questions about this response please feel free to contact the undersigned, this office, or the Federal Bureau of Prisons' (BOP) FOIA Public Liaison, Mr. C. Darnell Stroble at 202-616-7750, 320 First Street NW, Suite 936, Washington DC 20534, or [ogc\\_efoia@bop.gov](mailto:ogc_efoia@bop.gov).

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information, Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account at: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



S. Lilly, GIS, for  
Eugene E. Baime, Supervisory Attorney

## **Explanation of FOIA Exemptions Used by the Federal Bureau of Prisons**

**5 U.S.C. § 552(b)(1)** protects classified information.

**5 U.S.C. § 552(b)(2)** concerns matters related solely to internal agency personnel rules or practices.

**5 U.S.C. § 552(b)(3)** concerns matters specifically exempted from release by statute.

**5 U.S.C. § 552(b)(4)** concerns trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

**5 U.S.C. § 552(b)(5)** concerns certain inter- and intra-agency communications protected by the deliberative process privilege, the attorney work-product privilege, and/or the attorney-client privilege.

**5 U.S.C. § 552(b)(6)** concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

**5 U.S.C. § 552(b)(7)(A)** concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

**5 U.S.C. § 552(b)(7)(B)** concerns records or information compiled for law enforcement purposes the release of which would deprive a person of a right to a fair trial or an impartial adjudication.

**5 U.S.C. § 552(b)(7)(C)** concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

**5 U.S.C. § 552(b)(7)(D)** concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

**5 U.S.C. § 552(b)(7)(E)** concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

**5 U.S.C. § 552(b)(7)(F)** concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

**5 U.S.C. § 552(b)(8)** concerns matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

**5 U.S.C. § 552(b)(9)** concerns geological and geophysical information and data, including maps, concerning wells.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE FEDERAL BUREAU OF PRISONS  
AND  
IMMIGRATION AND CUSTOMS ENFORCEMENT**

**Transfer of Criminal Alien Inmates from the Custody of the U.S. Department of Justice, Federal Bureau of Prisons (BOP) to the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) Pursuant to an Immigration Detainer**

**1. PURPOSE**

This MOU between the BOP and ICE establishes and delineates procedures regarding the BOP providing ICE an opportunity to accept custody of removable alien inmates before BOP houses a detainee from a state or local law enforcement agency and/or for the BOP providing ICE with relevant medical or mental health information about alien inmates with identified major medical or mental health conditions. This MOU does not affect any other existing agreement between the parties, other than in respect to these issues.

**2. PROCEDURES**

This MOU directs the processes BOP and Enforcement and Removal Operations (ERO) Field Office Directors (FODs) must follow with regard to:

- 1) The transfer of BOP custody of criminal alien inmates who are subject to non-federal detainers; or
- 2) The transfer of BOP custody of criminal alien inmates who are subject to an ICE detainer with medical or mental health conditions that BOP has designated as a care level 3 or 4 for a medical or mental health condition.

This MOU outlines the processes applicable to transfers of criminal alien inmates in BOP custody, for whom ICE has probable cause of removability under the immigration laws, to ICE custody upon completion of their criminal sentence. ICE will have the right of first refusal for any criminal alien inmate for whom ICE has lodged an immigration detainer, regardless of the existence of any other detainers lodged by any state or local law enforcement agency or jurisdiction. ICE and BOP agree that U.S. Marshal and other federal law enforcement agency (LEA) detainers will be honored prior to ICE immigration detainers.

Pursuant to BOP policy, with regard to a criminal alien inmate against whom an immigration detainer has been lodged, ICE may:

- 1) Accept the transfer of custody of the criminal alien inmate prior to satisfaction of all non-federal criminal matters; or
- 2) Decline to accept the transfer of custody of the criminal alien inmate so that BOP may instead transfer the criminal alien inmate to another LEA's jurisdiction, in accordance with this MOU; and
- 3) Work in coordination with the BOP to ensure the proper continuation of care while in ICE custody for criminal alien inmates transferred to ICE custody with significant medical or mental health issues.

### **3. BOP RESPONSIBILITIES: TIMING OF THE EXCHANGE AND MODE OF TRANSMISSION OF INFORMATION**

The BOP will honor federal immigration detainees, including previously issued Form I-247 (Immigration Detainer – Notice of Action), Form I-247D (Immigration Detainer – Request for Voluntary Action and Form I-247X (Request for Voluntary Transfer) (herein "immigration detainees"), and prioritize federal immigration detainees over non-federal detainees.

The BOP will provide medical and mental health information to ICE, as set forth below in this MOU. See Appendix A, Definitions for BOP Medical and Mental Health Care.

For all criminal alien inmates subject to an immigration detainer, BOP will notify ICE, by way of email as further described below, at least ninety (90) days prior to the projected release date (PRD), or as soon as practicable, after receiving a non-federal detainer if received less than ninety (90) days prior to PRD.

BOP will send notifications to the ICE Pacific Enforcement Response Center (PERC), via e-mail at the following email address: (b)(6); (b)(7)(C)

At the time of notification, the BOP will supply a copy(s) of all federal and non-federal detainer(s) with the PRD notification to the PERC.

At the time of notification, the BOP will supply ICE with a criminal alien inmate's medical and mental health care level. For criminal alien inmates identified as a Medical Health Care Level 3 or 4, and/or Mental Health Care Level 3 or 4, a Health Services Exit Summary and/or a Psychology Services Mental Health Transfer Summary will be provided in an encrypted electronic copy with the notification to the above mentioned email addresses. These summaries will include: list of medications; any required medical and nursing care and/or treatment; medical equipment requirements; ability to conduct activities of daily living; and plan of care, at a minimum.

Upon request, the BOP will supply medical staff from the ICE ERO field office with an encrypted electronic copy of the complete medical record of a criminal alien inmate, including the most recent lab work and diagnostic tests (e.g., x-rays, MRI, CT Scan) for any current health

problems. Such encrypted electronic copy should be sent to the ICE ERO field office requesting the information.

ICE will notify the BOP sixty (60) days prior to the PRD or as soon as practicable in cases where notification is made less than ninety (90) days from PRD, of its decision to assume custody of the criminal alien inmate, or decline to accept custody, such that the BOP may transfer the criminal alien inmate to another LEA or release the criminal alien inmate. If ICE declines to accept custody, the responsible ICE ERO field office must cancel the detainee by checking the appropriate box on the applicable detainee, notify the BOP, and enter the appropriate detainee lift code in EARM.

BOP and ICE will comply with applicable federal laws, regulations, and policies when exchanging and disclosing information. ICE and BOP will provide a staff member to serve as a liaison to address any issues that may arise concerning the exchange of information, detainee declination verification and/or the continuation of the continuation of care for criminal alien inmates with significant medical or mental health issues ICE intends to take into custody after the service of their criminal sentence in BOP custody. Specifics of the liaisons will be set forth in a separate agreement between ICE and BOP.

#### **4. PERC RESPONSIBILITIES**

Upon receipt of notification from BOP:

- The PERC will complete a records check of the criminal alien inmate, including but not limited to, National Crime Information Center (NCIC) active wants and/or warrants, criminal history, immigration status, and docket location.
- The PERC will provide the responsible ICE ERO field office with operational responsibility for the BOP facility in which the criminal alien inmate is in custody with the case data from the BOP, including the criminal alien inmate's biographical data, medical information, records check results, the pending criminal charge(s), requesting LEA, court, and any other information for consideration in ICE's decision whether or not to assume custody of the criminal alien inmate. (Note: The PERC will transmit the information listed above by email to the point of contact for the appropriate ICE ERO field office as soon as practicable in cases where notification is made less than ninety (90) days before the PRD.)

#### **5. ERO FIELD OFFICE RESPONSIBILITIES**

The responsible ERO field office will screen all available information relating to the criminal alien inmate and any pending criminal justice actions to determine whether ICE will assume custody of the criminal alien inmate upon release or decline to accept custody, such that BOP may release the criminal alien inmate to the LEA.

If the ERO field office declines to accept custody of the criminal alien inmate, the POD will issue an "ICE Letter of Agreement" (see Appendix B) to the receiving LEA. By signing the letter, the LEA:

- 1) Acknowledges that ICE also has lodged a detainer against the criminal alien inmate and has decided to delay immigration enforcement action so that the criminal alien inmate may complete criminal proceedings in the custody of the LEA; and
- 2) Agrees to transfer the criminal alien inmate to ICE custody, rather than release, upon conclusion of the criminal proceedings or in any circumstances in which the subject will be released from the LEA's custody.

The signed Letter of Agreement will be placed in the criminal alien inmate's A-file, and the responsible ICE ERO field office will complete the appropriate entries in EAGLE, BARM, or successor case management systems, for future reference. The POD will notify the PERC, no later than sixty (60) days prior to the PRD, that the field office and LEA have reached an agreement, and that BOP will transfer the subject to the LEA. The PERC will transmit this decision to the BOP via email on behalf of the field office, in conformance with this MOU.

If the responsible ICE ERO field office intends to take direct custody of the criminal alien inmate from the BOP, the field office will notify the PERC, no later than sixty (60) days prior to the PRD or as soon as practicable in cases where the BOP notifies ERO less than ninety (90) days prior to PRD. The PERC will transmit this decision to the BOP via email, as set forth in this MOU, on-behalf of the field office. The transfer date, time, and transportation requirements will be handled at the local level between the responsible ICE ERO field office and the BOP once the transfer determination has been transmitted to the BOP.

If, for any other reason, the ICE ERO field office declines to accept the transfer of custody of the criminal alien inmate from the BOP, the field office will notify the PERC, no later than sixty (60) days prior to the PRD or as soon as practicable in cases where the BOP notifies ERO less than ninety (90) days prior to PRD. The PERC will transmit this decision to the BOP via email on-behalf of the POD.

## 6. DURATION

This MOU shall remain in effect for 5 years from date of execution or until terminated by either party as specified below. Continuation of this MOU shall be subject to the availability of necessary funding. This agreement may be modified at any time by written consent of BOP and ICE. This agreement may be terminated at any time by each of the participating agencies. BOP and ICE may withdraw from this agreement at any time by providing a 30-day written notice of its intent to withdraw to the other participating agency.

**7. ANTIDEFICIENCY ACT**

Nothing contained herein shall be construed to obligate the BOP or ICE to any expenditure or obligation of funds in excess or in advance of appropriations in accordance with the Antideficiency Act (31 U.S.C. §1341).

**8. SIGNATURES:**

For ICE:

 Daniel H. Ragsdale 2/12/16

Name: Daniel H. Ragsdale  
Title: Deputy Director

For BOP:

 Louis C. Eichenlaub 2/12/16

Name: Louis C. Eichenlaub  
Title: Deputy Director

## APPENDIX A

### I. BOP Definitions

#### a. Mental Health Care Levels

- i. **Care Level 1 - MH: No Significant Mental Health Care.** An individual is considered to meet CARE1-MH criteria if he/she:
  - Shows no significant level of functional impairment associated with a mental illness and demonstrates no need for regular mental health interventions; and
  - Has no history of serious functional impairment due to mental illness or if a history of mental illness is present, the inmate has consistently demonstrated appropriate help-seeking behavior in response to any reemergence of symptoms.
- ii. **Care Level 2 - MH: Routine Outpatient Mental Health Care or Crisis-Oriented Mental Health Care.** An individual is considered to meet CARE2-MH criteria if he/she has a mental illness requiring:
  - Routine outpatient mental health care on an ongoing basis; and/or
  - Brief, crisis-oriented mental health care of significant intensity; e.g., placement on suicide watch or behavioral observation status.
- iii. **Care Level 3 - MH: Enhanced Outpatient Mental Health Care or Residential Mental Health Care.** An individual is considered to meet the criteria for CARE3-MH if he/she has a mental illness requiring:
  - Enhanced outpatient mental health care (i.e., weekly mental health interventions); or
  - Residential mental health care (i.e., placement in a residential Psychology Treatment Program).
- iv. **Care Level 4 - MH: Inpatient Psychiatric Care.** A mentally ill inmate may meet the criteria for CARE4-MH and require acute care in a psychiatric hospital if the inmate is gravely disabled and cannot function in general population in a Care Level 3 Mental Health environment.

**b. Medical Care Levels**

- i. **Care Level 1:** Essentially healthy inmates who may have chronic illness easily managed with medication, and can provide 1-2 times/year for follow up (i.e. High blood pressure, high cholesterol, etc.)
- ii. **Care Level 2:** Chronic medical conditions that are stable and manageable in a general population setting with outpatient visits monthly to biannually. Care Level 2 inmates are independent with Activities of Daily Living (ADLs).
- iii. **Care Level 3:** Multiple or severe chronic illnesses requiring more frequent medical evaluations (i.e. daily to monthly) to remain stable in an outpatient setting. Such inmates may require assistance from an inmate Assistant to accomplish some of their ADLs but they do not require daily nursing care.
- iv. **Care Level 4:** Chronically ill inmates requiring 24 hours nursing care, patients are designated to medical referral centers as Inpatients, have multiple co-morbidities and assistance with activities of daily living.

**APPENDIX B**

**Field Office Letterhead**

**Letter of Agreement between the U.S. Immigration and Customs Enforcement (ICE) and  
the**

**"INSERT Local Law Enforcement Agency"**

**Re: Acceptance of ICE Detainer and Agreement to Transfer Subject to ICE Custody at the  
Conclusion of Proceedings**

**Chief/Sheriff/District Attorney:**

ICE has been notified by the Bureau of Prisons (BOP) that your office has an active detainer on NAME/DOB. ICE has also lodged a detainer on this individual. In accordance with BOP policy, ICE retains the discretion to determine whether or not the individual will be turned over to your detainer prior to taking its own enforcement action. This decision will be based on factors to include the public safety risk posed by the individual, the severity of pending criminal charges, and the prosecuting entity's intention to pursue the criminal case to fruition. In addition, in order for ICE to authorize the BOP to transfer the inmate to your agency's custody, an authorized representative must sign this letter, agreeing to transfer the subject to ICE custody at the conclusion of the proceedings, or any other subsequent release from your custody.

Once this letter of agreement is signed and returned to ICE, the BOP will be notified that ICE agrees to allow the transfer to the designated agency.

If you have any questions regarding this process please feel free to contact **\*\*\*\*\*** of the **\*\*\*\*\*** Field Office at (123) 123-1234 or by email at **\*\*\*\*\*@ice.dhs.gov**.

Thank you for your assistance and cooperation in this matter.

Sincerely,

*John Jones*  
**\*\*\*\*\* Field Office Director**

Acknowledgement of agreement between U.S. Immigration and Customs Enforcement (ICE) and the

(INSERT Name of Police Dept/Sheriff's Dept/District-Stage Attorney) (LEA) located at  
(INSERT Address)

that ICE agrees to authorize the Federal Bureau of Prisons (BOP) to transfer the below-named inmate:

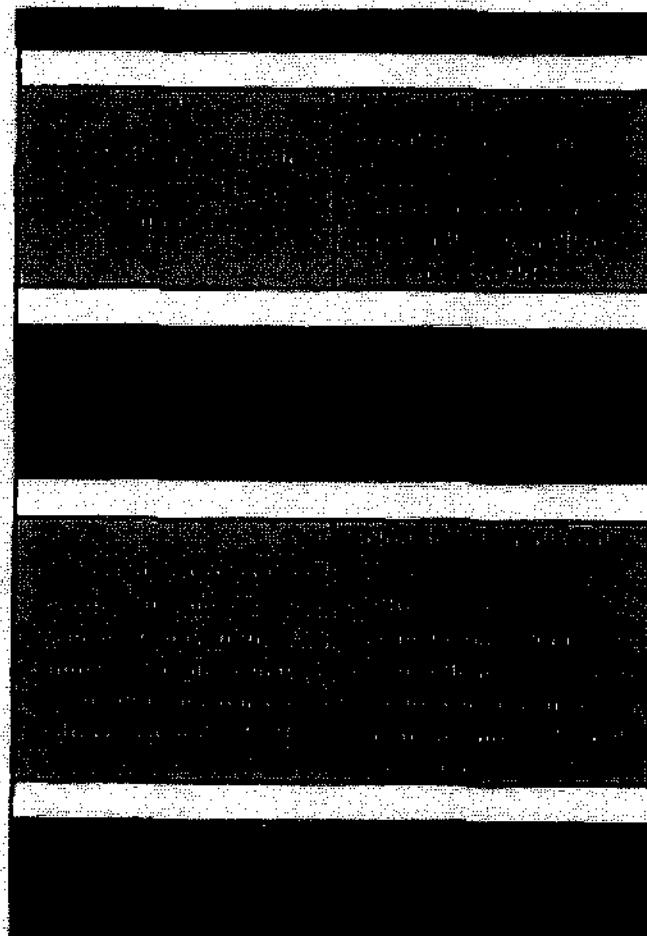
(INSERT ALIENS NAME/A#/BOP#  
HERE.....)

to INSERT LEA NAME, which has lodged a detainer with the BOP indicating the subject is wanted in conjunction with criminal proceedings in the jurisdiction of the LEA.

Your signature below constitutes the agreement of LEA NAME to turn the alien over to the custody of ICE upon the conclusion of the proceedings, or any other subsequent release from your custody. Failure to sign this form will result in ICE not authorizing the transfer of the inmate to LEA NAME.

The LEA must contact the \*\*\*\* Field Office at (123) 123-1234 or via email at \*\*\*\*\*@ice.dhs.gov to facilitate the transfer of the subject to ICE custody.

**APPENDIX C**



## **IHP Guidance**

### Definitions:

**IHP PEND** – This assignment applies only to inmates who have been determined by ICE to require an IHP hearing before an Administrative Judge and are not currently at a hearing site.

**IHP PART** – This assignment applies only to inmates who require an IHP hearing, as determined by ICE, and are at an active IHP hearing site.

**IHP COMPLT** – This assignment applies only to inmates who have completed an IHP Hearing, and an Administrative Judge made a determination. The decision to deport or not deport has no impact on an assignment of IHP COMPLT, as DETN Y/N will denote this decision. All inmates who participate in and complete an administrative hearing at an IHP site will have a CMA assignment of IHP COMPLT.

**NO IHP HRG** – This assignment applies to inmates do not require an IHP hearing, as determined by ICE. This also applies if a deportation order from ICE exists, or if ICE has determined the inmate will not be deported.

**IHP INTRVW** – Applies to inmates who need to be interviewed by ICE for a hearing determination. If the inmate's immigration status is unknown, this assignment applies. Inmates with an ICE Detainer or Notify order not indicating a final order of removal should be placed in this assignment.

The signature authority (the entity making the final determination of deportation), despite whether the inmate will be removed, determines the IHP assignment.

- If the signature authority is ICE, **NO IHP HRG** is the only applicable CMA assignment.
- If an immigration/administrative judge is/will be the final authority, CMA assignments of **IHP PEND**, **IHP PART**, and **IHP COMPLT** may apply.
- **IHP INTRVW** is considered a short-term assignment, and should be changed upon receipt of disposition following the ICE interview.

### In order to determine IHP status, review the following documentation:

(b)(7)(E) – If 337d is after March 1, 2017 (follow Attachment A chart)

**Deportation Order** – differs from INS Detainer or Notify. Signature authority of the deportation order will determine IHP assignment.

**INS Detainer** – Requires IHP Interview (**IHP INTRVW**), unless a final order of removal is noted. If the inmate is to be deported, the CMA assignment should be **NO IHP HRG**. If no documentation is located, **IHP INTRVW** is appropriate.

IHP FIELD POC DESIGNATION(S)					
FIELD OFFICE	NAME	AREA	EMAIL	OFFICE PHONE	MOBILE PHONE
ATLANTA	(b)(6); (b)(7)(C)	McRae CI Atlanta USP D. Ray James CI / Jessup FCI Butner CI Estill FCI / Williamsburg FCI Bennettville FCI / Edgefield FCI	(b)(6); (b)(7)(C)		
BALTIMORE					
BOSTON		Devens FCI MADOC / Plymouth County			
BUFFALO		Ray Brook FCI			
CHICAGO		Indiana Kansas / Missouri Illinois / Wisconsin			
DALLAS		Giles Dalby Big Spring Big Spring Giles Dalby Great Plains			
DENVER					
DETROIT					
EL PASO		La Tuna IHP Pecos Office Reeves #3 Midland			
HOUSTON					
LOS ANGELES		Adelanto Office			
MIAMI		Miami			
NEWARK					
NEW ORLEANS					
NEW YORK					
PHILADELPHIA		Allenwood, PA Primary for ERO Phoenix Office Backup for ERO Phoenix Office Primary for ERO Tucson Office Backup for ERO Tucson Office			
PHOENIX		Primary			
SALT LAKE CITY					
SAN ANTONIO		BOP ERO SND Sub-Office (EL Centro IHP)			
SAN DIEGO					
SAN FRANCISCO		Bakersfield (Taft)			
SEATTLE		Sea Tac			
ST PAUL		Fort Snelling Office Omaha Office			
WASHINGTON D.C.		Roanoke Norfolk			



**U. S. Department of Justice  
Federal Bureau of Prisons**

Correctional Programs Division

*Washington, DC 20534*

**MAR 27 2017**

MEMORANDUM FOR ALL CEOs

FROM: Angela P. Dunbar, Assistant Director  
Correctional Programs Division

SUBJECT: Institution Hearing Program (IHP)

The purpose of this memorandum is to provide updated information, guidance, and direction as it relates to Program Statement 5111.04, Institution Hearing Program (IHP).

The Correctional Programs Branch (CPB) in the Correctional Programs Division (CPD), has an Immigration and Customs Enforcement (ICE) liaison assigned to their area and have been working very closely with him, on a daily basis, since November 2016. This relationship has been instrumental in assisting us with identifying foreign born/non-U.S. citizens (aliens), lodging detainees, processing aliens for removal, transferring removal alien inmates from the custody of BOP to ICE, pursuant to an immigration detainer, and ensuring the IHP is functioning effectively and efficiently.

Program Statement 5111.04, Institution Hearing Program, dated July 3, 2006, provides IHP site locations. However, some of those institutions have taken on mission changes and are no longer suitable IHP locations at this time. The following institutions are considered active IHP sites (BOP and private):

LSCI Allenwood  
FCI Allenwood  
USP Allenwood  
FCI La Tuna  
FCI Aliceville (female)  
FCI Dublin (female)  
Adams County Corr. Ctr.  
Big Spring Corr. Ctr.  
D. Ray James, Corr. Ctr.  
Giles W. Dalby Corr. Ctr.  
Moshannon Valley Corr. Ctr.  
Reeves I, II, and III Detention Ctrs.

The following institutions have recently been approved by the Executive Staff and are considered new IHP sites:

FCI Oakdale 2  
FCI Pollock  
USP Pollock  
FDC SeaTac  
USP Victorville  
FCI Victorville I  
FCI Victorville II  
FCI Waseca (female)

As a reminder, the vast majority of immigration hearings are conducted with an ICE agent present at the facility and the EOIR (Executive Office of Immigration Review) Judge, via VTC. Regarding these recently approved IHP sites, please notify and engage your local union to ensure a successful IHP operation.

In accordance with Program Statement 5111.04, Institution Hearing Program, foreign born/non-U.S. citizens (aliens) who are serving 60 months or less, will be identified and initially designated to IHP institutions. CPB, ICE, and DSCC have established a tracking mechanism and are corresponding to ensure this is occurring on a daily basis. This will ensure foreign born/non-U.S. citizens (aliens) who are initially designated to the BOP are placed at the appropriate institution. If the inmate had a sentence of greater than 60 months at initial designation and was placed at a non-IHP institution, the unit team staff should re-designate the inmate, when he/she has 48-60 months remaining to serve to an IHP institution. This can be accomplished during the regularly scheduled program review.

It is very important the Case Management Activity (CMA) assignments for IHP, in accordance with Program Statement 5111.04, Institution Hearing Program, are entered accurately and updated accordingly. CPB has recently contacted the respective Regional Correctional Programs staff regarding concerns in particular cases (NO IHP CMA assignment loaded, CMA assignment pre-dates the most recent incarceration, etc.). It is requested that the local institutions review the accuracy and provide an assurance to their Regional Office by April 7, 2017. The Regional Office will then update CPD/CPB regarding the accuracy of the IHP CMA. As a reminder, section 8(c), indicates Regional Office staff monitor the implementation of and adherence to IHP procedures during Staff Assistance Visits.

If you have any questions or concerns, please have your staff contact  
(b)(6); (b)(7)(C)

cc: All Regional Directors  
All Regional Correctional Programs Administrators

FACILITY	FBP AOR
ADAMS COUNTY CORRECTION CENTER CI	NEW ORLEANS
ALDERSON FPC	PHILADELPHIA
AUCLIFFE FCI	NEW ORLEANS
ALLENWOOD LOW FCI	PHILADELPHIA
ALLENWOOD MED FCI	PHILADELPHIA
ALLENWOOD USP	PHILADELPHIA
ASHLAND FCI	NEW ORLEANS
ATLANTA CCM	ATLANTA
ATLANTA USP	ATLANTA
ATWATER USP	SALT LAKE CITY
BALTIMORE CCM	BALTIMORE
BASTROP FCI	SAN ANTONIO
BELMONT LOW FCI	HOUSTON
BEAUMONT MED FCI	HOUSTON
BEAUMONT USP	HOUSTON
BECKLEY FCI	PHILADELPHIA
BENNETTSVILLE FCI	ATLANTA
BERLIN FCI	BOSTON
BIG SANDUS USP	NEW ORLEANS
BIRMINGHAM CI	DALLAS
BIG SPRING FCI	DALLAS
BROOKLYN MDC	NEW YORK CITY
BRYAN FPC	SAN ANTONIO
BUTNER FMC	ATLANTA
BUTNER LOW FCI	ATLANTA
BUTNER MED FCI	ATLANTA
BUTNER MED II FCI	ATLANTA
CANAMI USP	PHILADELPHIA
CARSWELL FMC	DALLAS
CHARLESTON COUNTY DETENTION FACILITY	ATLANTA
CHICAGO CCM	CHICAGO
CHICAGO MCC	CHICAGO
CINCINNATI CCM	DETROIT
COLLIER FCI	MIAAMI
COLEMAN LOW FCI	MIAMI
COLEMAN MED FCI	MIAMI
CUMBERLAND FCI	BALTIMORE
D. RAY JAMES CORR FAC CI	ATLANTA
DALBY CI	DALLAS
DALLAS CCM	DALLAS
DANIELS FCI	BOSTON
DEERFOOT CI	DETROIT
DEVENS FMC	BOSTON
DUBLIN FCI	SAIN T PAUL
DULUTH FPC	SAIN T PAUL
EDEN CI	DALLAS
EDGEFIELD FCI	ATLANTA
EL RENO FCI	DALLAS
EKTEKT FCI	DETROIT
ELKWOOD FCI	DENVER
ESTU FCI	ATLANTA
FAIRTON FCI	ATLANTA
FLORENCE ADMAX USP	DENVER
FLORENCE FCI	DENVER
FLORENCE HIGH USP	DENVER
FORT DODGE FCI	NEW ORLEANS
FORT DODGE USP	NEW ORLEANS
FORT WORTH FCI	DALLAS
GILMER FCI	PHILADELPHIA
GREAT PLAINS CI	DALLAS
GREENVILLE FCI	CHICAGO
GUAYNABO MDC	MIAMI
HAZELTON FCI	PHILADELPHIA
HELMETTA USP	PHILADELPHIA
HERLONG FCI	SALT LAKE CITY
HONOLULU FDC	SAN FRANCISCO
HOU STON CCM/FDC	HOUSTON
JESUP FCI	ATLANTA
LA TUNA FCI	EL PASO
LEAVENWORTH USP	CHICAGO
LEXINGTON FCI	WICHITA FALLS
LEXINGTON FMC	PHILADELPHIA
LOMPOC FCI	NEW ORLEANS
LOMPOC USP	LOS ANGELES
LONG BEACH CCM	LOS ANGELES
LORETTO FMC	PHILADELPHIA
LOS ANGELES MDC	LOS ANGELES
MANCHESTER FCI	NEW ORLEANS
MARIANNA FCI	MIAMI
MARION USP	CHICAGO
MCCREARY USP	NEW ORLEANS
MCDOWELL FCI	PHILADELPHIA
MCKEAN FCI	PHILADELPHIA
MICHAEL	ATLANTA
MEMPHIS FCI	NEW ORLEANS
MENDOTA FCI	SAN FRANCISCO
MIAMI CCM	MIAMI
MIAMI FCI	MIAMI
MIAMI FDC	MIAMI
MILAN FCI	SAINT PAUL
MINNEAPOLIS / SAINT PAUL CCM	SAINT PAUL
MONTGOMERY FCI	NEW ORLEANS
MORGANTOWN FCI	NEW ORLEANS
MOSHANNON VALLEY CI	PHILADELPHIA
NASHVILLE CCM	NEW ORLEANS
NEW YORK MCC	NEW YORK CITY
OAKDALE I FCI	NEW ORLEANS
OAKDALE II FCI	NEW ORLEANS
OXFORD FCI	MIAMI
OTTVILLE FCI	NEW YORK CITY
OXFORD FCI	CHICAGO
PEKIN FCI	CHICAGO
PENSACOLA FPC	MIAMI
PETERSBURG MED FCI	WASHINGTON DC
PHILADELPHIA CCM	PHILADELPHIA
PHILADELPHIA FDC	PHILADELPHIA
PIERRE FCI	PHILADELPHIA
PITTSBURGH CCM	PHILADELPHIA
POLLOCK MED FCI	NEW ORLEANS
POLLOCK USP	NEW ORLEANS
RALEIGH CCM	ATLANTA
RAY BROOK FCI	BUFFALO
REEVES CI	EL PASO
REEVES COUNTY DC	EL PASO
REEVES DC	EL PASO
REIVERS CI	WASHINGTON DC
ROCHESTER FMC	SAN FRANCISCO
SAFFORD FCI	SAN DIEGO
SALT LAKE CITY CCM	SALT LAKE CITY
SAN DIEGO MCC	SAN DIEGO
SANDSTONE FCI	QUAIL CREEK
SEAGOVILLE FCI	PHILADELPHIA
SEAGOVILLE FCI	DALLAS
SEATAC FDC	SEATTLE
SHERIDAN FCI	SEATTLE
SPRINGFIELD USMCCP	CHICAGO
ST. LOUIS CCM	CHICAGO
TAFT FCI	SAN FRANCISCO
TELLABEDEA FCI	NEW ORLEANS
TALLAHASSEE FCI	MIAMI
TERMINAL ISLAND FCI	LOS ANGELES
TERRE HAUTE FCI	CHICAGO
TERRE HAUTE USP	CHICAGO
TEXARKANA FCI	DALLAS
THOMSON AUS	CHICAGO
THREE HILLS FCI	SAN ANTONIO
TUCSON FCI	PHOENIX
TUCSON USP	PHOENIX
VICTORVILLE MED I FCI	LOS ANGELES
VICTORVILLE MED II FCI	LOS ANGELES
VICTORVILLE USP	LOS ANGELES
WAISECA FCI	SAINT PAUL
WILLIAMSBURG FCI	ATLANTA
WINDHAM FPC	SAN ANTONIO
YAZOO CITY FCI	NEW ORLEANS
YAZOO CITY MED FCI	NEW ORLEANS
YAZOO CITY USP	NEW ORLEANS

















































# EXHIBIT D

Immigrants' Rights Clinic

Crown Quadrangle  
 559 Nathan Abbott Way  
 Stanford, CA 94305-8610  
 Tel 650 724-1900  
 Fax 650 723-4426  
[www.law.stanford.edu](http://www.law.stanford.edu)

November 18, 2019

*Via U.S. Certified Mail*  
 Director, Office of Information Policy (OIP)  
 United States Department of Justice, Suite 11050  
 1425 New York Avenue, NW  
 Washington, DC  
 20530-0001

**RE: Freedom of Information Act Appeal for  
 Request No. 2019-01182**

Dear BOP FOIA Officer:

We write to appeal the Bureau of Prison (BOP)'s determination and final response, dated August 27, 2019 to our November 30, 2018 FOIA request, sent by the Stanford Law School Immigrants' Rights Clinic on behalf of The Justice and Diversity Center of The Bar Association of San Francisco and Centro Legal de la Raza. BOP's response is deficient because it fails to address most of our FOIA request, which pertains to policies and practices related to the Institutional Hearing Program.

We appeal BOP's failure to produce responsive records. Our FOIA request asked for 13 different categories of records, and included records for database information, memoranda, worksheets, and other records related to BOP's administration of the Institutional Hearing Program, including information regarding the program's administration, policies, and treatment of people placed into the Institutional Hearing Program. BOP's response of 14 pages in total (10 released in full and 4 released in part) fails to respond to the overwhelming majority of our FOIA request.

We also appeal BOP's decision to withhold any portion of the 14 pages produced. It is unclear, for example, how any withholdings could pertain to law enforcement purposes under FOIA Exemption (b)(7) when none of the records produced relate to a specific investigation. Similarly, because no records produced relate to individual cases or investigations, FOIA Exemption (b)(6) cannot apply to justify BOP's withholding of otherwise responsive documents.

We therefore appeal BOP's determination in response to our FOIA request. We have attached our original FOIA request as well as BOP's August 27, 2019 response letter for your reference.

*FOIA Appeal for Request No. 2019-01182*

*November 18, 2019*

*Page 2 of 2*

Please send your response, including any additional documents to:

Lisa Weissman-Ward  
Stanford Law School Immigrants' Rights Clinic  
559 Nathan Abbott Way  
Stanford, CA 94305  
[lweissmanward@law.stanford.edu](mailto:lweissmanward@law.stanford.edu)

Our original FOIA request was filed over a year ago, and we would appreciate a prompt response to this appeal. Please contact me at 650-724-7396 or [lweissmanward@law.stanford.edu](mailto:lweissmanward@law.stanford.edu) with any questions.

Sincerely,



---

Lisa Weissman-Ward

# EXHIBIT E



Lisa Weissman-Ward <lisanww@law.stanford.edu>

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## FOIA Appeal DOJ-AP-2020-001215 Submitted

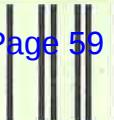
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**admin@foiaonline.gov** <admin@foiaonline.gov>  
To: lweissmanward@law.stanford.edu

Fri, Dec 6, 2019 at 10:08 AM

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: DOJ-AP-2020-001215
- Request Tracking Number: 2019-01182
- Requester Name: Lisa Weissman-Ward
- Date Submitted: 11/25/2019
- Appeal Status: Submitted
- Description: BOP appeal



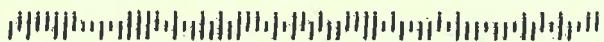
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 2523 6306 1832 30

United States  
Postal Service

\* Sender: Please print your name, address, and ZIP+4® in this box\*

Lisa Weissman Ward  
Immigrants' Rights Clinic  
509 Nathan Abbott Way  
Stanford, CA 94805



## SENDER: COMPLETE THIS SECTION

## COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

## 1. Article Addressed to:

DIRECTOR, office of Information  
Policy  
US DOJ Ste. 11050  
1425 New York Ave, NW  
Washington, D.C. 20530-0001



9590 9402 2523 6306 1832 30

## 2. Article Number (Transfer from service label)

7012 0470 0001 6265 3945

PS Form 3811, July 2015 PSN 7530-02-000-9053

## A. Signature

- Agent  
 Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

NOV 26 2015

## 3. Service Type

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